**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL**

**Writ Petition No. 1327 of 2005 (M/B)**

Lok Seva Sammittee Damudahunga (Panchakki),
P.O. Kathgodam, District Nainital,
Through its president
Sri B.D. Joshi, S/o Shet Ram Joshi,
R/o Badrikashram (Panchakki) Damuadhuyynga,
P.O. Kathgodam, District Nainital. …… Petitioner

**Versus**

1. State of Uttaranchal,
   through District Magistrate,
   Nainital.
2. Chief Engineer (North),
   Irrigation Department, Uttaranchal,
   Haldwani, District Nainital.
3. Executive Engineer,
   Irritation Department,
   Haldwani, District Nainital.
4. Executive Engineer,
   Public Works Department
   Construction Division, Haldwani,
   District Nainital.
5. Executive Engineer,
   Uttaranchal Jal Sansthan,
   Haldwani, District Nainital.
6. Senior Superintendent of Police,
   Nainital.
7. Executive Officer,
   Zila Panchayat, Nainital. ……. Respondents

Mr. Kurban Ali, Advocate for the petitioner.
Mr. J.P. Joshi, Addl. Chief Standing Counsel for the State of Uttaranchal.

**JUDGMENT**

**Coram: Hon. Rajeev Gupta, C.J.**
**Hon. M.M. Ghildiyal, J.**

**RAJEEV GUPTA, C.J. (Oral)**

1. Petitioner Lok Seva Sammittee Damuadhunga (Panchakki) has filed this writ petition as 'Public Interest Litigation' for the following reliefs:

> "I. Issue a writ, order or direction in the nature of Mandamus commanding and directing to the respondent authorities to restrain the entry of the heavy vehicles on the

Calltex Kathgodam to Panchakki Chauraha, Damuadhunga road, Haldwani, Nainital.

II. Issue a writ, order or direction in the nature of Mandamus commanding and directing to the respondents authorities to maintain the road, canal and retaining wall of the canal.

III. Issue any other writ proper in the circumstances of the case and deem fit.

IV. Award the cost."

2. From the reliefs claimed by the petitioner, it is apparent that the main relief sought in the writ petition was to restrain the entry of heavy vehicle on the Calltex Kathgodam to Panchakki Chauraha, Damuadhunga Road, Haldwani, Nainital.

3. In the counter affidavit filed on behalf of the respondents, it has categorically been stated in paras 8 and 12 that now the entry of heavy vehicles on the Calltex Kathgodam to Panchakki Chauraha, Damuadhunga Road has been restricted.

4. In view of the above categorical statement in the counter affidavit filed on behalf of the respondents, we are of the opinion that no further directions are required in this writ petition foiled as 'Public Interest Litigation'.

5. The writ petition, therefore, is closed leaving it open to the petitioner to get it revived in case the petitioner gets contrary instructions.

6. As the writ petition stands closed, no orders are required on Stay Application No. 10480 of 2005 and Intervening Application No. 1394 of 2006.

**(M.M. Ghildiyal, J.)** 20.02.2006

**(Rajeev Gupta, C.J.)** 20.02.2006

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